

Chapter 10

BUILDINGS AND NEIGHBORHOOD PROTECTION*

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ARTICLE I. IN GENERAL

Sec. 10-1. Construction Code.

(a) Nothing in this Code or the ordinance adopting this Code shall be deemed to repeal or affect the validity of the Construction Code. The Construction Code is published as a separate code. The Construction Code, as amended, is hereby

continued in full force and effect to the same extent as if set out in full herein, save and except any provisions which may be in conflict with any provision of this Code.

(b) The Construction Code was formerly known as the Building Code. Any reference in city ordinances, contracts, or other documents to the Building Code shall be construed to mean the docu-

***Cross references**—Convention and entertainment facilities, Ch. 12; discrimination in housing, § 17-11 et seq.; flood-prone areas, Ch. 19; piers at Lake Houston, § 23-31 et seq.; dredging or excavating at Lake Houston, § 23-136 et seq.; filling of certain building excavations, § 28-12; mobile homes and recreational vehicles, generally, Ch. 29; restricted hours for work on buildings, § 30-17 et seq.; oil and gas wells, Ch. 31; erecting structures in parks, § 32-32; planning and development, Ch. 33; mixing mortar or cement on street, § 40-21; dropping window cleaner's tools on sidewalks, § 40-26; subdivisions, Chs. 41, 42; swimming pools, Ch. 43; water and sewers, Ch. 47.

ment now known as the Construction Code, unless the reference is clearly intended by its context to mean that document called the City of Houston Building Code, which is now one of several documents that constitute the Construction Code. (Code 1968, § 10-1; Ord. No. 02-399, § 28, 5-15-02)

Sec. 10-2. Code compliance review.

The building official shall forward each application for the issuance or amendment of a building permit to the director of the department of planning and development or the director's designee to determine compliance with chapters 26, 33 and 42 of this Code and those provisions of the Construction Code that relate to driveways, sidewalks, parking lots, and alleys, if the scope of the work involves one or more of the following:

- (1) The construction of any new structure or building;
- (2) An addition to any structure or building;
- (3) A change in occupancy designation of a structure or building or portion thereof;
- (4) The construction of any driveway or curb cut;
- (5) The construction or expansion of any parking lot;
- (6) The construction of any fence over eight feet high;
- (7) The construction of any retaining wall; or
- (8) The construction of any masonry wall.

There is hereby imposed a fee of \$25.00 for the review under this section. The building official shall collect this fee from the applicant at the time of the issuance of the building permit or amendment. The fee shall not be refundable and shall be in addition to any other fee imposed by law. (Ord. No. 99-262, § 8, 3-24-99; Ord. No. 02-399, § 29, 5-15-02)

Sec. 10-3. Affidavit concerning deed restrictions on property—Prerequisite to issuance of building permit.

(a) No building permit shall be issued until an affidavit has been submitted to the building official stating that the construction, alteration or

repair for which the building permit is sought, and the use to which the improvement or building is to be put, will not violate deed restrictions or restrictive covenants running with the land.

(b) The director is authorized to promulgate affidavit forms to use in the implementation of this section. Prior to the use of any affidavit form, the city attorney or his designee shall review and approve the affidavit form for legal sufficiency. The affidavit form shall be attached to the building permit application as a part thereof, and shall include but not be limited to, a description of the type of occupancy for which the building permit application is being made, any exhibits referred to therein, and shall be properly sworn to and subscribed before a notary public.

(Code 1968, § 10-3; Ord. No. 71-2253, § 1, 12-3-71; Ord. No. 85-1180, § 1, 7-10-85; Ord. No. 88-1555, §§ 1, 2, 9-21-88; Ord. No. 90-635, § 21, 5-23-90; Ord. No. 94-1154, § 3, 10-26-94; Ord. No. 98-613, § 22, 8-5-98; Ord. No. 01-770, § 1, 8-15-01)

Sec. 10-3.1. Same—Prerequisite to issuance of certificate of occupancy or a life safety compliance certificate.

(a) No certificate of occupancy or life safety compliance certificate that is not required by a building permit application made in compliance with section 10-3 of this Code shall be issued by the building official except upon a written application including an affidavit that the building or structure for which the certificate is sought, and the use to which it will be put, will not violate the deed restrictions or restrictive covenants running with the land to which the property is subject as set forth in the affidavit.

(b) The director is authorized to promulgate affidavit forms to use in the implementation of this section. Prior to the use of any affidavit form pursuant to this section, the city attorney or his designee shall review the affidavit form for legal sufficiency and approve each affidavit form the city attorney or his designee, in his sole professional judgment, determines to be legally sufficient. The affidavit form shall be attached to the certificate of occupancy or life safety compliance certificate as a part thereof, and shall include but

not be limited to, a description of the type of occupancy for which the certificate of occupancy or life safety compliance certificate is being made, any exhibits referred to therein, and shall be properly sworn to and subscribed before a notary public.

(Ord. No. 85-1530, § 1, 9-4-85; Ord. No. 90-635, § 22, 5-23-90; Ord. No. 94-1154, § 4, 10-26-94; Ord. No. 01-770, § 2, 8-15-01)

Sec. 10-4. Stop work orders.

Where construction or other work is being done contrary to the provisions of this Code, the Construction Code or the Fire Code, or is being done in an unsafe or dangerous manner, the building official may order the work stopped by notice in writing served on the person engaged in doing or causing the work to be done, and the person shall forthwith stop the work until authorized to recommence it by the building official.

(Code 1968, § 18-60; Ord. No. 73-2079, § 1, 11-21-73; Ord. No. 90-635, § 23, 5-23-90; Ord. No. 02-399, § 30, 5-15-02)

Sec. 10-5. Reserved.

Editor's note—Section 4 of Ord. No. 92-147, adopted Feb. 12, 1992, repealed § 10-5 in its entirety. Formerly, § 10-5 pertained to the securing of unoccupied buildings and derived from § 18-73 of the 1968 Code; § 1 of Ord. No. 78-243, adopted Feb. 14, 1978; § 2 of Ord. No. 86-57, adopted Jan. 21, 1986; § 3 of Ord. No. 89-1079, adopted July 12, 1989; § 23 of Ord. No. 90-635, adopted May 23, 1990; § 1 of Ord. No. 91-360, adopted Mar. 13, 1991; and §§ 5 and 6 of Ord. No. 91-1102, adopted July 31, 1991.

Sec. 10-6. Deposits of foam or spray from air conditioning equipment.

Any person who operates or permits to be operated, on property owned, leased or in his possession, control or management, any air conditioning equipment shall cause the said equipment to be operated and maintained in such a manner that no foam or water spray from such equipment blows onto or is otherwise deposited on any other person's property. Each day that such condition is allowed to continue after five

days' notice from the neighborhood protection official to correct such condition shall constitute a separate offense.

(Code 1968, § 28-17; Ord. No. 70-1720, § 1, 10-6-70; Ord. No. 90-635, § 23, 5-23-90; Ord. No. 93-514, § 20, 5-5-93; Ord. No. 94-674, § 9, 7-6-94; Ord. No. 98-613, § 23, 8-5-98)

Sec. 10-7. Maintenance of premises liable to fire.

Any owner or occupant of any building or other structure or premises who shall keep or maintain the same when, for want of repair or by reason of age or dilapidated condition, or for any other cause, such building is especially liable to fire, and is so situated as to endanger buildings or property of others, or is especially liable to fire and is so occupied that fire would endanger other persons or other property therein, shall be guilty of a misdemeanor. Each day that such condition is allowed to continue after five days' notice by the fire marshal to correct such condition is hereby declared a separate offense.

(Code 1968, § 28-61; Ord. No. 69-756, §§ 1, 2, 4-30-69)

Sec. 10-8. Reserved.

Editor's note—Ord. No. 95-279, § 8, adopted Mar. 15, 1995, repealed former § 10-8, which pertained to the Fire Code.

Secs. 10-9—10-30. Reserved.